



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARTHUR R. HAIR

Serial No. 07/586,391

Filed: September 18, 1990

Art Unit: 2309

Patent Examiner:

H. Nguyen

Pittsburgh, Pennsylvania 15213

May 5, 1992

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. §1.132

I, Arthur R. Hair, hereby declare that:

I currently reside at 330 Murrays Lane, Pittsburgh,
Pennsylvania 15234.

I am the sole inventor of the above-identified patent application.

I have reviewed the contents of the specification, and the claims of the above-identified patent application.

The originally filed "Summary" section of the above-identified patent application states on page 2, line 8, that "it is an objective of the invention to provide a new and improved methodology/system to electronically sell and distribute digital audio music".

The terms "electronically sell", "electronic sales" and "electronically sold" are used throughout the originally filed specification of the above-identified patent application.

One skilled in the art would know that an electronic sale inherently assumes a transferring of money by providing a credit or debit card number (since that is the only way for electronic sales to occur) coupled with a transferring of a service or product.

The use of transferring money across telecommunication connections, such as by telephoning the agent who has the hard disc over the phone lines, for obtaining data on the hard disc is well known to one skilled in the art to be part of electronic sales.

The originally filed "brief description of the drawings" section of the above-identified patent application states on page 3, last paragraph that the "Hard Disc 10 of the

agent authorized to electronically sell and distribute the copyrighted Digital Audio Music is the originating source of music in the configuration as outlined in figure 1".

One skilled in the art would know that, as found in Claim 1, the "first party" includes the agent who is authorized to electronically sell and distribute music; and the "second party" is to whom the music is distributed. One skilled in the art would also know since the music is distributed through electronic sale, "the second party must be financially distinct from the first party" or there could be no sale. Furthermore, the "second party" must have a "receiver" (the control IC of the user in figure 1) in his "possession" in order to receive the music electronically from the hard disc of the agent over the telephone lines.

One skilled in the art knowing that an object of the invention relates to "electronic sales" and that the agent, "a first party", who has control of the hard disc 10 is authorized "to electronically sell and distribute", and that the hard disc 10 communicates with the user's ("second party's") control unit 50, the "receiver" in the "possession of the second party", through "telephone lines 30" (electrical lines) would also know that the "electronic sales" as disclosed refers to the well known

practice of "transferring" and verifying monies across telephone lines such as by a "credit card".

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements in the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

MAY 12, 1992
Date

Arthur R. Hair
Arthur R. Hair